

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

THOMAS KEREKES,

Plaintiff,

v.

Case No.: 2:23-cv-243-SPC-NPM

WALMART STORES EAST, LP,

Defendant.

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OPINION¹

Before the Court is Defendant Walmart's Supplement to Notice of Removal Pursuant to Court Order. ([Doc. 16](#)). Walmart filed this Supplement in response to the Court's Order to Supplement. ([Doc. 10](#)).

In its Notice of Removal, Walmart alleged diversity jurisdiction based on Plaintiff Kerekes' Complaint and Answers to Interrogatories. ([Doc. 1 at 4](#)). Plaintiff's Complaint identifies him as a "natural person residing in Lee County, Florida." ([Doc. 1-1](#)). And Plaintiff responded to an interrogatory asking for his address by listing an address in Florida. ([Doc. 1-4 at 2](#)). Kerekes' answers to other interrogatories were redacted. ([Doc. 1-4](#)).

¹ Disclaimer: Papers hyperlinked to CM/ECF may be subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or their services or products, nor does it have any agreements with them. The Court is not responsible for a hyperlink's functionality, and a failed hyperlink does not affect this Order.

A person's citizenship is determined by their "domicile," or "the place of his true, fixed, and permanent home and principal establishment . . . to which he has the intention of returning whenever he is absent therefrom." *McCormick v. Aderholt*, 293 F.3d 1254, 1257-58 (11th Cir. 2002). And residency is not the same as citizenship. *Taylor v. Appleton*, 30 F.3d 1365, 1367 (11th Cir. 1994) ("Citizenship, not residence, is the key fact that must be alleged in the complaint to establish diversity for a natural person"). "Addresses only establish the members' residencies—not their citizenships nor domiciles." *Amerisure Mut. Ins. Co. v. Mammoth Constructors, LLC*, No. 2:23-cv-67-SPC-NPM, 2023 WL 1824981, at *1 (M.D. Fla. Feb. 8, 2023).

In Walmart's Supplement ([Doc. 16](#)), it provided additional information that had previously been redacted in its Notice of Removal ([Doc. 1](#)). After reviewing that unredacted information, the Court is satisfied with Kerekes' citizenship at this time.

The Court will take no further action on its Order to Show Cause ([Doc. 10](#)).

DONE in Fort Myers, Florida on April 28, 2023.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record